

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CHINYERE JENKINS, et al.,)
)
Plaintiffs,)
)
v.) Case No. 77-0420-CV-W-1
)
THE SCHOOL DISTRICT OF)
KANSAS CITY, MISSOURI, et al.,)
)
Defendants.)

**PLAINTIFFS' ADDITIONAL RESPONSE TO
KCMSD'S PROGRESS REPORT ON
IMPLEMENTATION OF EDUCATIONAL PLANS**

The Jenkins Class of plaintiffs makes this response to the August 31, 2001 Progress Report of the School District of Kansas City, Missouri ("KCMSD" or "District") on the status of the KCMSD's efforts to implement its educational plans filed with the Court in January 1999. Plaintiffs do not in this Response treat the KCMSD's Progress Report as a motion for unitary status and do not intend that their Response be considered an "answer" to all the assertions of the KCMSD contained in its Progress Report.

This Response of Plaintiffs is intended as a status report of the plaintiffs' views of the KCMSD's Progress Report, views that are not informed by discovery or even by close monitoring of the District. Since late in 1999, the plaintiffs have not engaged in substantial monitoring, either in the schools or by means of document reviews. Since early 1998, Plaintiffs' counsel have been barred by District from making personal observational or

monitoring visits to KCMSD Schools; in December 1998, the KCMSD ceased active collaboration with Plaintiffs and their consultants; in November 1999, the KCMSD discontinued its routine sharing of documents with Plaintiffs; and, for the last fifteen months monitoring has been conducted primarily by the Court's Implementation Monitor.

For these reasons, this Response is based on limited knowledge of the KCMSD's implementation of its Educational Plans and, for this reason, Plaintiffs can only point out inconsistencies among the limited documents the KCMSD has selectively chosen to provide Plaintiffs. Nonetheless, it seems evident that the KCMSD has neither implemented fully the plans the Court approved in May 1999, nor is the KCMSD now attempting to implement fully all those plans, nor has the KCMSD done everything practicable to implement those plans.

Professional Development Plan

On January 20, 1999, the District filed its motion for approval of some educational plans, including the Professional Development Plan ("PD Plan") (Doc. No. 4761) and as Exhibit A to that motion (Doc. No. 4761-1) included its PD Plan. The Court granted the motion on May 27, 1999 (Doc. No. 4768). The PD Plan included a seven (7) page description of the plan, an eight (8) page Action Agenda, nineteen (19) pages of specific Implementation Steps, and six (6) pages of Appendices. The level of detail in the PD Plan submitted by the KCMSD was deemed necessary by the KCMSD, Plaintiffs, and the AFT because of repeated failures of the KCMSD in the then-recent past to implement effective teacher training programs.

The PD Plan was titled "Kansas City, Missouri School District *Comprehensive* Professional Development Plan" (emphasis added) and it was detailed so that little would be

left to chance or evasion by any District employee seeking to shirk professional development responsibilities. It included the enunciation of ten “Principles of High-Quality Professional Development” (Comprehensive PD Plan at unnumbered page 4). Those principles, based on understandings of national research shared by all parties to this case, were then incorporated in details of the plan, its Action Agenda, Implementation Steps, and the plan’s Appendices.

As the KCMSD started to implement the plan, it failed to manage even to obtain the attendance of key employees at meetings required to begin the implementation of the PD Plan. Critical steps seem to have been delegated to school secretaries or were considered at poorly attended planning meetings. *See* Attachment A (two memoranda referred to in Plaintiffs’ Preliminary Response of August 31, 2001 noting that schools did not comply with criteria for selection of PD design team members and pointing out that over twenty principals had failed to attend planning meetings). The KCMSD very soon, by April 1999, abandoned the plan it had only about two months before submitted to the Court, and adopted a diluted and supposedly temporary plan in light of the KCMSD’s administrative difficulties at the time. That diluted plan was dated April 14, 1999.

The KCMSD now asserts that it has adopted the suggestion of DESE’s Dr. Joyner by incorporating the Professional Development Plan and other KCMSD educational plans into the Comprehensive School Improvement Plan (“CSIP”) required of the KCMSD by the State of Missouri. PROGRESS REPORT at 5 (“The KCMSD . . . agreed with Dr. Joyner’s observations . . .”). Those observations, however, consisted of the following statement:

We expect all plans to converge with the CSIP and that the district’s Assessment, Accountability, and Professional Development plans will be *integrated* into the CSIP.

Id. (quoting Joyner letter of September 12, 2000) (emphasis added). The KCMSD, however, did not *integrate* its PD plan into its CSIP. That CSIP is Attachment B to the District's Progress Report. The Professional Development Plan has been reduced to a mere three-quarters of a page. PROGRESS REPORT, Exhibit B at 8.¹ It is thus not correct, as the KCMSD asserts, that the KCMSD sought to weave its professional development plan "into the overall fabric of the District's [CSIP] . . . [that] now serves as the District's long-range plan." PROGRESS REPORT at 5-6.

The District also points, PROGRESS REPORT at 6, to its new Timeline for Implementation of Professional Development Plan as the means for implementation of the CSIP. Both the few sentences in the CSIP and the eight (8) page "timeline" are devoid of reference to the ten key principles of high-quality professional development submitted by the KCMSD in 1999 and agreed to by Plaintiffs and the AFT. Furthermore, neither the three-quarter page plan in the CSIP nor the timeline contains any of the specific concrete steps deemed critical by all parties in 1999. Thus, it is patently incorrect for the District to assert, as it does, PROGRESS REPORT at 6, that the KCMSD has "show[n] how the basic principles and

¹In fact, those three-quarters of a page consist merely of two sentences stating that the District provides mentoring to beginning teachers and that a process is in place to use teacher and student achievement data to revise the CSIP. That is the total of the PD Plan's description. It is followed by four "Improvement Suggestions" that "should" be written or developed. At page eleven, this December 2000 CSIP refers to an unidentified Professional Development Plan. Whatever that "Plan" may be, it is *not* the Professional Development Timeline that is Exhibit C to the Progress Report. That Timeline is not dated but from a computer footer appears to have been created on August 16, 2001.

goals of the original January 1999 educational plans have been implemented.”²

Instead, what the KCMSD now purports to be its Professional Development Plan is little more than a return to the vague and fully discretionary exhortations that for years before 1999 passed as a professional development plan but had been entirely inadequate in addressing the professional development needs of the District. For instance, assuming that Exhibit C to the Progress Report, the Timeline, is now the KCMSD’s Professional Development Plan³, the Timeline merely claims that the KCMSD or individual schools will in the future adopt professional development plans. For example, it states that the District will “plan and provide staff development to support the curriculum study of research-based programs in the years prior to new adoptions [of curriculum materials]” beginning in October 2001.⁴ PROGRESS REPORT, Exhibit C at 1. That is a plan for a later plan. It is not an actual plan. It states vague intentions, not specific directions.

A plan that devolves broad discretion to District employees who recently have delegated such responsibilities to school secretaries or simply failed to attend professional

²Later in its report, the KCMSD acknowledges that it has not implemented much of the 1999 PD Plan. *See e.g.*, PROGRESS REPORT at 13 (Status, “not conducted” or “not implemented” reported for five out of seven goals), at 18 (status, not...uniformly implemented”), at 20 (“not implemented”), at 22 (status refers to steps different from goals or steps), etc.

³The KCMSD does not claim that its Timeline has been adopted by the School Board, presented to the Implementation Monitor, provided to the parties for their concurrence, or been the subject of a motion to the Court to approve a modification of the prior court-approved PD Plan. Nonetheless, the KCMSD states that the “specific steps” in this so-called plan are at this time “being executed” by the KCMSD. Progress Report at 6.

⁴It is not clear what is meant by the vague phrase “curriculum study of research-based programs”.

development meetings, is certain to fail to result in improved achievement by the District's students. For that reason, the PD Plan developed by the KCMSD with the assistance of the AFT, the plaintiffs, and their consultants, approved by the DMC, and then approved by court order in May 1999, was highly specific. For instance, that plan provided the following Action Step 8:

Classroom visits, observations, coaching and mentoring involving all teachers, beginning March 1, 1999, is widespread, on-going, continuous and embedded in the instruction of all schools and is completely disassociated from teacher evaluations, except that refusal to participate in good faith may be noted in such evaluations.

KCMSD Comprehensive Professional Development Plan, filed January 29, 1999, Doc. No. 4761-1, Implementation Steps at 4. It is not difficult to see the fundamental differences in these two approaches nor to note that the KCMSD has abandoned the principled, focused, specific, and challenging professional development plan approved by the Court and the parties and, instead, has implemented, without concurrence of the parties or permission of the Court, a diluted, vague, non-specific, and – surely – ineffective plan in place of the original plan. Nothing is more critical, in the view of Plaintiffs, than the professional development activities of the KCMSD. Reforms in curriculum content, assessment tools, and hiring practices will be ineffective to change teaching practices and improve student achievement without effective professional development.

OTHER EDUCATIONAL PLANS

As to curriculum, the KCMSD claims that it has aligned its curriculum to the Missouri Assessment Program (MAP) tests. PROGRESS REPORT at 9. There is no evidence provided as to that purported alignment and thus Plaintiffs have no way to verify that alignment. The

“evidence” cited in the right column does not contain any reference to materials concerning alignment. Plaintiffs hope that this claim of alignment is correct. Alignment is critical to improving measured achievement. KCMSD schools must teach what the State of Missouri tests.

As to assessment, the KCMSD admits that in some respects it is still attempting to implement aspects of the assessment plan. PROGRESS REPORT at 27 (status: “partially implemented”). In other aspects, it seems to have abandoned components of the plan without concurrence of the parties, the Implementation Monitor, or the approval of the Court. PROGRESS REPORT at 28 (status: “not to be implemented”).

The critical enforcement elements of the accountability plan remain to be implemented, pending the completion of negotiations between the District and the AFT. *See* PROGRESS REPORT at 33. It appears, however, that the KCMSD is close to full implementation of the Accountability Plan. Whether the KCMSD will be successful in its negotiations with the AFT is not known and, until those negotiations are completed, the Accountability Plan will have no effective means of enforcement. Only upon completion of an agreement will it be possible for Plaintiffs to evaluate the degree to which the KCMSD has succeeded in implementing the 1999 Accountability Plan.

The KCMSD also makes reference to the District’s “‘Entrepreneurial Model’ of site-based school management to increase both school autonomy and accountability.” PROGRESS REPORT at 6. The plaintiffs note the following in that regard. First, there is a substantial difference between site-based management (often attempted in school districts, including KCMSD, in the 1980s and 1990s as a means to improve achievement, but without a single

district-wide success) and “entrepreneurial model” schools (not yet tried anywhere but offering some hope as a means of improving achievement, *see e.g., It Takes a City*, Paul Hill, Christine Campbell, and James Harvey, Brookings Institution, 2000). The KCMSD Progress Report conflates the two without stating which it proposes or whether it is referring to a hybrid model.⁵ Second, the KCMSD does not indicate when it plans to implement such a model nor state in which or how many schools the model will be permitted. The District also has not provided a formal plan nor indicated that it intends to seek approval of the Court or concurrence of the parties for the implementation of any such plan. Thus, it is premature to address many issues such a model raises. Plaintiffs note, however, that in principle they support implementation of a true or pure entrepreneurial model as a means of focusing schools on their primary tasks of improving achievement and closing the performance gap. Such implementation, however, requires a specific plan and Court approval. Such approval is required because a truly entrepreneurial model school would have to be freed of the formal requirements of the District’s educational plans approved by the Court. Plaintiffs will address those and other issues when they are formally presented by the KCMSD.

CONCLUSION

It is apparent that the KCMSD has neither closed the black/white achievement gap to the degree required by existing orders in this case nor has it implemented to the extent practicable the

⁵For what it is worth, Plaintiffs note that a hybrid model may not be possible and, if it is attempted, would likely deprive schools of the benefits of the key concepts of the entrepreneurial model while retaining the key disadvantages of the site-based management model that seemingly contributed to its wide-spread failure as a means to systemic reform, notably, the failure or reluctance of central administration to give schools crucial autonomy in hiring, budget, and organizational decisions.

educational improvement measurements that are means by which the District seeks to close that gap.

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CERTIFICATE OF SERVICE

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